

REMARKS

Claims 1, 8, and 9 have been amended. Applicant reserves the right to pursue the original claims in this or other applications.

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hosaka (JP63019334) in view of U.S. Pat. No. 3,710,578 (Inoe). The rejection is respectfully traversed.

Claim 1 recites a prestressed scaffolding system comprising “a tending ... a prestressed wale comprising *a plurality of triangular tendon supports, being in contact with the tendon*, in a *middle portion of said wale*, a tendon-anchoring unit at both ends of said wale, and *a connecting brace* for connecting said *supports* and said *tendon-anchoring unit* ... and a strut constituted by a truss or a plurality of H-beams or an H-beam having a large cross section and supporting said tendon-anchoring unit.” Hosaka in view of Inoe fails to disclose, teach, or suggest each of these limitations.

The Office Action relies on element 6 of Hosaka as teaching “a plurality of triangular tendon supports.” Office Action at 2. The Office Action’s reliance on element 6 of Hosaka is misplaced. Hosaka’s element 6 is wire extended between two receivers whose central part is connected to the head of the jack 12. Hoaska at Abstract. Element 6 is not a tendon support. Element 6 is not triangular. Additionally, the claim requires “a prestressed wale comprising a plurality of ... supports.” In Hosaka, there is only one element 6 *per wale*. Consequently, there is not “a plurality of ... supports ... in a middle portion of said wale” as recited by claim 1. Furthermore, Applicant notes that claim 1 recites “a prestressed wale comprising ... supports, being in contact with the tendon.” Element 6 is not in contact with any tendon.

Moreover, Applicant notes that the Office Action does not disclose any element of Hosaka as teaching the “*connecting brace* for connecting said supports and said tendon-anchoring unit.” Hosaka does not teach a connecting brace.

Inoe is relied on by the Office Action as teaching “the utility of struts 11, 12, 18” used to give additional support to a shoring apparatus” and fails to cure the deficiencies of Hosaka. Office Action at 2. Regarding Inoe, its struts (11 and 12) are formed into a plurality of strut element 18 and placed at 90 degree angles to the *wales* (9, 10) they are placed between. As such, combining the struts of Inoe with the apparatus of Hosaka would result in struts extending perpendicular to wale 2 (or other wales of Hosaka) across to the opposing wale. Combining Inoe with Hosaka would not result in struts that “support[] said tendon-anchoring unit” as recited by claim 1.

Claims 2-7 depend from claim 1 and are allowable along with claim 1, and on their own merits.

Claim 2 recites a “triangular tendon support [that] is constituted by a vertical member and inclined member, or only by vertical members, or only by inclined members for forming a triangle and supporting said wale.” As presented for claim 1, the Office Action relies on element 6 as the triangular tendon support. Element 6 neither “form[s] a triangle” nor “support[s] said wale” as recited by claim 2.

Claim 3 recites a “triangular tendon support [that] is supported and connected by an intermediate pile and a support beam for the tendon support.” Based on the Office Action’s reliance on element 6 of Hosaka as the triangular tendon support (Office Action at 2) and element 10 for the intermediate pile (Office Action at 3), there is no element cited as teaching the “support beam for the tendon support.” Claim 3 recites both an “intermediate pile” and a “support beam” for tendon support. At a minimum, Hosaka does not teach a support for “support beam.”

Claim 4 recites a “tendon-anchoring unit [that] fixes a tendon and couples with said wale for applying a compression force and further *couples with said inclined member or vertical member* for supporting a generated force.” The Office Action (in its rejection of claims 1 and 2) relies on element 6 of Hosaka as the triangular tendon support. The triangular tendon support is made up of either (a) a vertical member and inclined member, (b) only vertical members, or (c) only inclined members. Based on this analysis, in its rejection of claim 4, the Office Action relies on element 6 –

serving as an inclined member – as being coupled to the tendon anchoring unit. As such, without element 6 Hosaka does not have a “tendon” to meet “said tendon-anchoring unit fixes a tendon” limitation of claim 4. The “tendon-anchoring unit” of claim 4 must both “fix[] a tendon” and “couple[] with said inclined … or vertical member.” Hosaka does not teach “fix[ing] a tendon” as recited by claim 4.

Claim 5 recites a “*tendon-anchoring unit [that] forms an isosceles triangle*, the corner of said isosceles triangle is reinforced by a reinforcing member, wherein said *tendon* is fixed at one corner of said isosceles triangle and a member facing said corner is directly connected to a truss strut or through a hydraulic jack or a screw jack, and the portion connected with said wale has a length adjusting function.” The Office Action states, in its “Response to Arguments” that “the tendon supports 6 and wailing [*sic*] 2 for [*sic*] an isosceles triangle support, as best seen in Figure 1. The tendon 6, is formed in a triangular fashion with two equal sides.” Office Action at 5. Applicants respectfully disagree with this analysis.

Claim 5 recites a “*tendon-anchoring unit [that] forms an isosceles triangle*.” Each of the limitations of claim 5 must be met by the “*tendon-anchoring unit*.” In its analysis for claim 1 the Office Action relies on element 5 of Hosaka as teaching the tendon-anchoring unit. Office Action at 2. It is improper for the Office Action later to contend that the “*tendon-anchoring unit*” of claim 5 can be met by combining elements 2 (waling), 5 (no description provided in Abstract of Hosaka), 10 (base metal), and 12 (jack) of Hosaka. Even allowing for such a combination, the Office Action relies on element 6 of Hosaka as teaching the “*tendon*” of claim 5. Setting aside that element 6 has already been recited as the triangular tendon support for claims 1-3, the Office Action cannot use steel wire 6 as part of the “*tendon-anchoring unit*” of claim 5, and still have it available to serve as the “*tendon*” of claim 5. It is inappropriate to assert that part of the “*tendon-anchoring unit*” can anchor itself (the tendon).

Claim 6 recites a “*tendon-anchoring unit [that] forms a trapezoid*, the corner of said trapezoid is reinforced by a reinforcing member, said tendon is fixed at both corners, and a middle portion is directly connected to said truss strut or through a hydraulic jack or a screw jack.”

Hosaka's element 5, as relied on by the Office Action for claim 1, does not form a trapezoid. The Office Action's reliance on the shape formed by element 6 in combination with elements 10, 12, and portions of element 2 is improper. This shape is not a trapezoid. To the extent a shape resembling a trapezoid is formed, the trapezoid includes the steel wire 6, which is the item being anchored, and therefore cannot be part of the "tendon-anchoring unit" required by claim 6. Additionally, because no trapezoid is formed, no "middle portion" is "directly connected to [the] truss strut." Finally, there is no truss strut. To the extent the Office Action is relying on Hosaka's element 6 as teaching the "middle portion," Applicant notes that element 6 is not "directly connected to a truss strut or through a hydraulic jack or a screw jack." Neither base metal 10 nor jack 12 is connected to a truss strut.

Claim 7 recites a "*tendon anchoring unit [that] is provided with an inclined or vertical strut*, a tendon entered from one side of said tendon-anchoring unit is fastened at an opposite side, a single wale or a double wale is supported by said tendon-anchoring unit, and said tendon-anchoring unit is equipped with a screw jack or a precedent load jack having a length adjusting function." Hosaka's jack 12 is used to produce tension in steel wire 6 and is placed between two Hosaka-elements 5. Jack 12, based on its position, is not part of the tendon-anchoring unit, and cannot meet the "tendon-anchoring unit [being] equipped with a screw jack or a precedent load jack having a length adjusting function" requirement of claim 7.

Claim 8 recites limitations similar to those presented for claim 1, and is allowable for all the reasons presented for claim 1.

Claim 9 depends from claim 8 and is allowable along with claim 8, and on its own merits. Claim 9 recites a "tendon-anchoring unit [that] is a corner anchoring unit and is designed to be connected with said wale and to fix a tendon at both sides of said corner." The Office Action, in its rejection for claim 1, relies on element 5 of Hosaka as teaching the tendon-anchoring unit. Element 5 of Hosaka does not reside in a corner of the apparatus, only fixes a single tendon, and is not designed "to fix a tendon at both sides of said corner" as recited by claim 9.

Accordingly, the rejection should be withdrawn, and the claims allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By

Thomas J. D'Amico

Registration No.: 28,371

Douglas T. Hoffman

Registration No.: 63,625

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicant